

Message Text

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ACTION OFA-01

INFO OCT-01 EUR-12 EA-07 IO-11 ISO-00 AGR-05 AID-05 EB-07

COME-00 TRSE-00 CG-00 DOTE-00 DLOS-04 OIC-02 CIAE-00

INR-07 NSAE-00 L-03 H-02 SS-15 SP-02 NSC-05 PM-04

DODE-00 OES-03 /096 W

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R 211913Z JAN 76

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 8330

INFO AMEMBASSY SOFIA

AMEMBASSY OTTAWA

AMEMBASSY COPENHAGEN

AMEMBASSY PARIS

AMEMBASSY BONN

AMEMBASSY BERLIN

AMEMBASSY REYKJAVIK

AMEMBASSY ROME

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ROME FOR INFO EMBASSY AND FODAG

E.O. 11652: N/A

TAGS: ICNAF, EFIS, XN, OCON

SUBJECT: ICNAF SPECIAL MEETING, ROME, JANUARY 21-26

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REF: STATE 9719

1. WE PRESENTED AIDE MEMOIRE BASED ON REFTEL TO MARINE AND TRANSPORT DEPARTMENT. FOREIGN AND COMMONWEALTH OFFICE (FCO), JANUARY 16. OWING TO TRAVELS OF MINISTRY OF AGRICULTURE, FOOD AND FISHERIES (MAFF) FISHERIES DIVISION OFFICIALS, WE WERE UNABLE DISCUSS SPECIAL MEETING WITH THEM UNTIL JANUARY 21. FCO OFFICIAL EXPRESSED BASIC SYMPATHY WITH US POSITION AND STATED THAT UKDEL WILL BE INSTRUCTED TO BE AS FORTHCOMING AS POSSIBLE. HE SAID HMG FULLY UNDERSTANDS IMPORTANCE USG ATTACHES TO DEMONSTRABLE PROGRESS AT ROME MEETING AND THE DOMESTIC POLITICAL PRESSURES BEHIND USG APPROACH. HE ALSO REITERATED UK'S LONGSTANDING COMMITMENT TO SUPPORT ALL REASONABLE CONSERVATION MEASURES.

2. MAFF FISHERIES OFFICIALS REGRETTED THAT COD WAR AND EEC ACTIVITIES HAD MADE IT IMPOSSIBLE TO MEET WITH EMBOFF EARLIER. THEY SAID THEY HAD ALREADY PREPARED LENGTHY BRIEF ON ENFORCEMENT ISSUE IN PREPARATION FOR ROME SPECIAL MEETING. ON QUESTION OF GEORGES BANK HERRING STOCKS, OFFICIALS SAID UK DOES ALMOST NO HERRING FISHING IN THIS AREA AND THUS HAS ALMOST NO INTEREST IN THIS QUESTION. UKDEL WILL, HOWEVER, SUPPORT REASONABLE CONSERVATION MEASURES IN SUBAREA 5 -- STATISTICAL AREA 6.

3. FISHERIES OFFICIALS PREFACED DISCUSSION OF ENFORCEMENT ISSUES BY STATING THAT UKDEL WILL APPROACH ENFORCEMENT DISCUSSIONS POSITIVELY IN HOPES OF FINDING ACCEPTABLE SOLUTIONS WHICH WILL NOT CREATE OBSTACLES IN FUTURE FISHERIES NEGOTIATIONS. SPECIFIC REFERENCE WAS MADE TO PROBABLE NEED TO RENEGOTIATE THESE INTERNATIONAL AGREEMENTS IN NEAR FUTURE FOLLOWING LIKELY INTERNATIONAL ADOPTION OF 200-MILE ECONOMIC ZONES. WITH THIS SAID, OFFICIALS STATED THAT US ENFORCEMENT PROPOSALS PRESENT THE FISHERIES DIVISION WITH SOME DIFFICULTIES BOTH IN PRINCIPLE AND PRACTICE. DETENTION BY ICNAF INSPECTORS OF VESSELS SUSPECTED OF AN INFRACTION UNTIL AUTHORIZED OFFICIALS OF THE FLAG STATE CAN ARRIVE TO LIMITED OFFICIAL USE

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INVESTIGATE ALL PROVISIONAL WITHDRAWAL OF REGISTRATION FROM VESSELS WHEN SUCH INVESTIGATION INDICATES THAT AN OFFENSE HAS BEEN COMMITTED CAUSE PARTICULAR CONCERN. IT WAS POINTED OUT THAT FOR LONG DISTANCE FISHERMEN, I.E., THOSE FROM EUROPE, ANYTHING THAT REDUCES THEIR FISHING TIME WILL CAUSE SERIOUS ECONOMIC HARDSHIP. DETENTION AND PROVISIONAL WITHDRAWAL OF REGISTRATION CAN THUS BE SEEN AS A SCHEME FOR ADMINISTRATIVE

NON-JUDICIAL PUNISHMENT OF FISHING VESSELS WHICH MAY NOT
HAVE EVEN COMMITTED AN OFFENSE. ACCORDING TO
FISHERIES OFFICIALS THIS APPROACH DEPARTS MARKEDLY FROM
THE PHILOSOPHY BEHIND THE FISHERIES COMMISSIONS IN
THEIR ROLE OF ASSISTING MEMBER STATES TO CARRY OUT
THEIR OWN LAWS. IT THUS SEEMS TO BE INCONSISTENT
WITH VOLUNTARY INTERNATIONAL METHODS.

4. FISHERIES OFFICIALS SAID THIS KIND OF SCHEME
WOULD WORK WELL IF AND WHEN THE LEGAL BASIS FOR ITS
OPERATION WAS COASTAL STATE JURISDICTION OVER THE
200-MILE ZONE, IN THE CONTEXT, HOWEVER, OF INTER-
NATIONAL VOLUNTARY COOPERATION IT PRESENTS A NUMBER
OF PRACTICAL PROBLEMS. FOR INSTANCE, STATES SUCH
AS THE UK WITH LITTLE INTEREST IN FISHING THE ICNAF
AREA WOULD PROBABLY NOT BE ABLE TO KEEP FULL TIME

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ROME FOR EMBASSY

OFFICIAL AVAILABLE TO VERIFY THE FACTS OF ALLEGED
INFRINGEMENT. IN ADDITION, THE LOSS OF FISHING
TIME (BOTH WHILE THE INVESTIGATION IS TAKING PLACE
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AND AFTER AN OFFENSE HAS BEEN VERIFIED AND THE TRAWLER
FORCED TO RETURN HOME) WOULD RESULT IN HEAVY FINANCIAL
LOSS, A LOSS WHICH MIGHT, EVEN IF AN INFRINGEMENT WERE
CONFIRMED DOMESTICALLY, BE OUT OF PROPORTION TO THE
CRIME. THIS WOULD BE PARTICULARLY TRUE IN THE CASE OF
A TRAWLER STOPPED FOR EXCEEDING ITS QUOTA WHEN FREQUENTLY
THE TRAWLER CAPTAINS ARE UNAWARE OF THE POSSIBILITY
THAT THEY MIGHT BE OVERFISHING OWING TO THE TARDINESS
OF ICNAF COMMUNICATIONS. FISHERIES OFFICIALS ALSO
SUGGESTED THAT PERHAPS MORE TIME SHOULD BE GIVEN FOR
THE ICNAF REGISTRATION SCHEME TO PROVE ITS WORTH AND
FOR THE IMPACT OF EFFORTS BY MEMBER STATES. SUCH AS.
UK, SPAIN AND PORTUGAL TO IMPROVE THEIR DOMESTIC
REGULATIONS TO BE FELT.

5. IN CONCLUSION. FISHERIES OFFICIALS SAID THAT IN
LIGHT OF ENFORCEMENT MOVES ALREADY UNDERWAY FURTHER
ENFORCEMENT MEASURES MIGHT BE DELAYED SOMEWHAT AND
THAT PERHAPS A WORKING PARTY COULD BE ESTABLISHED TO
STUDY IN FURTHER DETAIL THE ADDITIONAL STEPS NEEDED
TO IMPROVE ENFORCEMENT. THEY ADDED AGAIN, HOWEVER,
THAT UK WILL SEEK IN ROME TO BE AS POSITIVE AND
SYMPATHETIC AS POSSIBLE. WHILE FISHERIES DIVISION
COMMENTS REFLECT BRIEF WHICH UKDEL WILL TAKE TO MEETING,
FINAL POSITION WILL BE TAKEN IN LIGHT OF UK DESIRE TO
BE HELPFUL, ITS AWARENESS OF POLITICAL PROBLEMS BEHIND
US APPROACH ALD THE NEED TO LOOK TOWARD LONG TERM
SOLUTIONS.

6. IAN GRAHAM, MAFF FISHERIES SECRETARY AND PETER

JEFFRIES. MAFD'S CHIEF ENFORCEMENT OFFICE, WHO ATTENDED
ENFORCEMENT COMMITTEE MEETING, ARE ATTENDING ROME
SPECIAL MEETING.

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